

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

KEITH DESHON ADAMS,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00315

BRANDON DODRILL, *Oak Hill Police Officer*,
and TYLER HOGAN, *Oak Hill Police Officer*,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 26, 2024, the Plaintiff, proceeding *pro se*, filed his *Complaint* (Document 2) in this matter. On February 3, 2025, the *Defendants' Motion to Dismiss for Failure to State a Claim in Lieu of Answer* (Document 17) was filed.

By *Administrative Order* (Document 3) entered on June 27, 2024, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On July 3, 2025, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 28) wherein it is recommended that the *Defendants' Motion to Dismiss for Failure to State a Claim in Lieu of Answer* (Document 17) be granted in part and denied in part. Specifically, the Magistrate Judge recommends that the motion be granted as to Defendant Hogan, granted as to the Plaintiff's Eighth Amendment excessive force claim against Defendant Dodrill, and denied as to the Plaintiff's Fourth Amendment excessive force claim against Defendant Dodrill. Further, the Magistrate Judge recommends that the Plaintiff be granted permission to amend his Complaint to include the additional facts to support his Fourth Amendment


excessive force claim, and that the matter again be referred to the Magistrate Judge. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 21, 2025.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the *Defendants' Motion to Dismiss for Failure to State a Claim in Lieu of Answer* (Document 17) be **GRANTED IN PART AND DENIED IN PART**. Specifically, the motion is **GRANTED** as to Defendant Hogan, **GRANTED** as to the Plaintiff's Eighth Amendment excessive force claim against Defendant Dodrill, and **DENIED** as to the Plaintiff's Fourth Amendment excessive force claim against Defendant Dodrill. The Court further **ORDERS** that the Plaintiff be **GRANTED** a period of **twenty (20)** days from the entry of this order to amend his Complaint to include the additional facts to support his Fourth Amendment excessive force claim. Lastly, the Court **ORDERS** that this matter is **REFERED** to Magistrate Judge Aboulhosn for further proceedings.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: July 25, 2025


 IRENE C. BERGER
 UNITED STATES DISTRICT JUDGE
 SOUTHERN DISTRICT OF WEST VIRGINIA